

35. (Amended) A delivery system according to Claim 32 adapted for delivery of about 0.02 to 20 milligrams per day (Nitroglycerin equivalent) of a vasodilator selected from the group comprising Nitroglycerin in pill, patch, ointment, cream, inhaler, spray and other forms, Nitroglycerin equivalents and substitutes, comprising p.o. clonidine, [Dynacirc (] isradipine[]), hydrazine, nifedipine, and/or other medicines selected from the empirical group of medications which have the common characteristic of causing smooth muscle relaxation and/or which systemically reduce pulmonary capillary wedge pressure, and combinations of the foregoing.

36. (Amended) A system [method] according to Claim 32 [21] wherein the disease is selected from the group consisting of fibromyalgia, gastric disorders and other systemic disorders, psychosis, other psychiatric disease, attention deficit disorder and systemic disorders, comprising vasospasm as a component.

37. (Amended) A system [method] according to Claim 32 [21] wherein the disease is selected from the group consisting of systemic disorders comprising vasospasm as a component.

38. A titration system for diagnosing and treating a disease caused at least partially by insufficient cerebral perfusion, comprising in combination: [operating] a flow measuring device to test for vasospasm, [applying] a dosage device which administers a vasospasm-reducing dosage of a medicine selected from the empirical group of medications which have the common characteristic of causing smooth muscle relaxation and/or which

reduce pulmonary capillary wedge pressure, [reoperating said flow device for testing over time] and [adjusting] said dosage device being adjustable over time to titrate said dosage in response to said testing to minimize occurrence and severity of said [indications of] vasospasm.

39. (New) A system according to Claim 38 wherein the flow measuring device comprises transcranial doppler measuring means.

40. (New) A system according to Claim 38 wherein the dosage device comprises means for delivering a vasodilator selected from the group comprising Nitroglycerin in pill, patch, ointment, cream, inhaler, spray and other forms, Nitroglycerin equivalents and substitutes, comprising p.o. clonidine, isradipine), hydrazine, nifedipine, and/or other medicines selected from the empirical group of medications which have the common characteristic of causing smooth muscle relaxation and/or which systemically reduce pulmonary capillary wedge pressure, and combinations of the foregoing.

41. (New) A system according to Claim 38 wherein the flow measuring device comprises transcranial doppler measuring means and inhaler, spray and other forms, Nitroglycerin equivalents and substitutes, comprising p.o. clonidine, isradipine, hydrazine, nifedipine, and/or other medicines selected from the empirical group of medications which have the common characteristic of causing smooth muscle relaxation and/or which systemically reduce pulmonary capillary wedge pressure, and combinations of the foregoing.

42. (New) A system according to Claim 41 wherein the delivery device comprises means for delivering a vasodilator selected from the group comprising Nitroglycerin in pill, patch, ointment or cream form.

43. (New) A system according to Claim 38 wherein the delivery system is adapted for transdermal delivery.

44. (New) A system according to Claim 38 wherein the delivery system is adapted for the adjusting of the dosage device over time within the range of about 0.02 to 20 milligrams per day (Nitroglycerin equivalent) of vasodilator.

REMARKS

For clarity and completeness, the office action (pp. 2,3, and 4(?)) is set forth in italics below, with remarks interspersed .

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The Substitute Specification filed 07-02-01 has been entered to the record

Claim Rejections - 35 USC, § 112

1. The following is a quotation of the second paragraph of 35 U. S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 32 - 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 32, the language expressing a range of per cents of 'conventional dosage' is vague and indefinite insofar as individual patients vary widely in weight and sensitivity and side effects to such vasodilatory drugs that a 'conventional dosage' is not a definite term unless referenced to some standard

The term "conventional dosage" has been deleted and the range from subclaim 34 substituted.

With respect to claim 35, it is unclear what constitute 'Nitroglycerin equivalents', moreover parenthesized terms within claims are understood to be non-limiting. Returning to the former point, specification page 5 lines 4 - 7 defines certain such equivalents. Thereafter a broad variety of drugs are recited up to page 7 line 15 which references an additional appendix. Yet it is unclear if these are 'Nitroglycerin equivalents' in applicant's art-defined sense or if applicant is preferring that all of these listed medications are patent language equivalents for purposes of claims construal.